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**From:** Bradbury, Mike@DWR  
**Sent:** Fri 4/10/2015 5:18:50 PM  
**Subject:** FW: Federal Cooperating Agency Review for the BDCP Recirculated EIR/Supplemental EIS

Here is the proposed agenda for today's meeting to discuss the status of the responses to USACE's comments on the BDCP EIR/EIS. Additionally, below is the DWR response to USACE's email to USBR regarding questions you had on specific topics within the EIR/EIS. We will address them in more detail at today's meeting.

Agenda for today's meeting:

Introductions - Mike

Goals of the meeting - Mike

Follow-up questions from USACE on Wednesday's presentation - USACE team

EIS update schedule - Ken

Discussion of DWR's EIS update process and status (below) - Ken

USACE questions regarding DWR's update process - Zach

USACE issues requiring additional consideration (per the email below) - Zach

Integration of the USACE team into the EIS update process - All

Next steps - All

Response to your email:

As the lead agency for preparation of the Bay Delta Conservation Plan Environmental Impact Report/Environmental impact Statement (BDCP EIR/EIS), the U.S. Bureau of Reclamation (Reclamation) recently distributed to the U.S. Army Corps of Engineers (USACE), along with the other Cooperating Agencies, an administrative review draft of the Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS). Portions of this document had been previously sent to the Cooperating Agencies for a preliminary review. Through an e-mail to Reclamation on April 1, 2015, USACE submitted comments on the preliminary review document and added on to comments USACE previously submitted on the public review BDCP DEIR/DEIS (published November 2013). Due to schedule limitations, many of the USACE comments on the 2013 DEIR/EIS and preliminary draft RDEIR/SDEIS were not incorporated into the most recent administrative review draft of the RDEIR/SDEIS. In order to assist USACE in determining which areas of the administrative draft RDEIR/SDEIS need comment at this time, the Department of Water Resources (DWR) is providing this list of topics that are currently being evaluated at a more thorough level and will be addressed in the next version of the RDEIS/SDEIS. Therefore, it is not necessary to repeat any of the comments you submitted related to the following topics:

- Regulatory setting and description of expected USACE actions
- Project purpose and need
- Impacts related to USACE's jurisdiction under the Clean Water Act and Rivers and Harbors Act
- Mitigation for impacts within USACE jurisdiction
- Section 106 of the NHPA compliance
- Effects to navigation through:
  - o Physical constriction of navigable width during construction
  - o Operations
  - o New patterns of siltation
  - o Change in water surface elevation

Consistent with USACE permit process, the following topics will not be presented in detail in the BDCP EIR/EIS and will be submitted separately in stand-alone documents during the USACE permit application process (prior to completion of the Record of Decision (ROD)).

- Information for the Corps' analysis of alternatives pursuant to Section 404(b)(1)
- Final mitigation plan

In addition, engineering details to support issuance of any Section 408 clearance under the Rivers and Harbors Act will not be completed prior to Reclamation's issuance of the ROD and will be provided separately in coordination with USACE.

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**From:** Simmons, Zachary M SPK [Zachary.M.Simmons@usace.army.mil]  
**Sent:** Wednesday, April 01, 2015 2:26 PM  
**To:** Michelle Banonis  
**Cc:** Nagy, [Meegan@usace.army.mil](mailto:Meegan@usace.army.mil); [Michael.s.jewell@usace.army.mil](mailto:Michael.s.jewell@usace.army.mil); Bradbury, Mike@DWR; [foresman.erin@epa.gov](mailto:foresman.erin@epa.gov); Ann Stine  
**Subject:** RE: Federal Cooperating Agency Review for the BDCP Recirculated EIR/Supplemental EIS

Hello Ms. Banonis,

Please see the following comments from the Corps for Section 2 for the Recirculated DEIR/Supplemental DEIS. If you have any questions or need clarification, please contact Meegan Nagy or myself.

1. We are unclear how our comments on the Draft EIR/EIS will be addressed in the supplemental Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS). We recommend you prepare a response to comments table that shows us where and how our comments are being addressed in the RDEIR/SDEIS and schedule a meeting to specifically discuss the comment responses.
2. A conclusion of no significant impact was made for impacts to navigation In the Draft EIR/EIS. The Draft EIR/EIS did not include an adequate analysis or data to support this conclusion. We provided DWR with instructions and example of how the navigation analysis must be done, consistent with how we have been regulating DWR's operations of Clifton Court Forebay for the past 35 years. We also walked DWR through the needed analysis over a two hour meeting. Will the requested analysis on navigation be included in the RDEIR/SDEIS?
3. This document refers primarily to the analysis for Alternative 4 and 4A. All revisions and additional analyses must be completed at the same level for each of the proposed alternatives,

including the no action alternative.

4. The RDEIR/SDEIS should include a statement somewhere in the introduction that this document is intended to meet the NEPA requirements for the USACE as a cooperating federal agency for permitting actions under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act. Example language can be found in Section S.12.3 of the Summary for Volume 1 of the April 2012, Ca High-Speed Train Merced to Fresno Section Project EIR/EIS.

5. The following are specific comments on the administrative draft Section 2.

a. Section 2.1.2: The last paragraph states that the environmental factors were found to be essentially unchanged as a result of changes in operations across alternatives. Is this referring to Alternative 4A compared to the previous alternatives, or all of the alternatives compared to the environmental baseline?

b. Section 2.1.4: The RDEIR/SDEIS must not include the determination of “uncertain” for any impact. It is not clear if this was corrected for all impacts. A determination of significance should be made for each impact based on the available data. We request that Reclamation consult with this office if a NEPA determination of significance is unable to be made for a specific impact.

c. Section 2.5: For any environmental commitments or mitigation that will alter a Federally authorized project, analysis should be included within the RDEIR/SDEIS to disclose impacts associated with those actions. These commitments/mitigation measures are tied to the primary alteration therefore will need analysis and design prior to permitting decision being made on the intake structures.

d. Section 2.5.1 references “complete water conveyance facility project footprints developed by DWR’s Division of Engineering”. A copy of these footprints should be provided to USACE to have a better understanding of the proposed facility in relation to the Federally authorized project.

e. Section 2.5.4: The documents states that the projects described “have already undergone CEQA/NEPA review”. USACE is unaware of completed NEPA review for restoration of the Southport area. The West Sacramento Levee Improvement Program – Southport Project NEPA document is not yet final. The NEPA document addresses only the impacts associated with that project. The West Sacramento General Reevaluation Report EIS/EIR is also a draft document.

f. Section 2.5.4: This section further states “accordingly provide meaningful examples of the activities that could result from implementation of CM3–CM11”. While these may be examples, actual mitigation sites and the associated impacts should be included.

g. Section 2.5.4.1: The Lower Yolo Ranch Tidal Restoration Project is referenced as an activity that could result from CM3-CM11. This restoration project is being done in response to the U.S. Fish and Wildlife Service (USFWS) Delta Smelt BiOp (U.S. Fish and Wildlife Service 2008) and as referenced in the National Marine Fisheries Service (NMFS) Salmonid BiOp (National Marine Fisheries Service 2009) for coordinated operations of the SWP and CVP. It is unclear if this project could be used to offset impacts related to the intakes and therefore may not be a good project to reference.

h. Section 2.6: USACE has not received a copy of the March 2nd 2015 deliverable. Please provide a copy for our review.

Thank you,

**Zachary M. Simmons**

Biologist, Senior Regulatory Project Manager

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**\*\*Customer Survey:** [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

\*\*For more information visit: <http://www.spk.usace.army.mil/Missions/Regulatory.aspx>

-----Original Message-----

From: Stine, Ann [<mailto:astine@usbr.gov>]

Sent: Thursday, March 19, 2015 3:07 PM

To: Clark, Susan S SPK; Nepstad, Michael G SPK; Skophammer, Stephanie; Erin Foresman

Cc: Michelle Banonis; Theresa Olson; Mary Lee Knecht

Subject: [EXTERNAL] Federal Cooperating Agency Review for the BDCP Recirculated EIR/Supplemental EIS

All, as you know DWR has been working on the Administrative Draft BDCP REIR/SEIS and as Cooperating Agencies we are sending you preliminary sections for your review. DWR has added some new sections that describe the revisions for this next iteration of the BDCP EIR/EIS. Attached are portions of Section 2.0 that discuss Fish and Aquatic Habitat, Water Quality, Environmental Commitments and a revised project description, a total of 14 pages (4 pages are on water quality). In addition I have attached Section 1.0 which introduces the general approach to the recirculated BDCP for background information if needed. All edits/comments can be sent to me in track changes. These preliminary sections also contain placeholders and notes to reviewers from ICF which are denoted with highlighting and/or comment bubbles.

We received Section 2.0 this week and apologize for the short turn around but we would appreciate your comments by COB March 24 (next Tuesday). We will also request your review of the rest of the preliminary Administrative Draft REIR/SEIS which is expected to come out April 1. This too will have a short review period of a couple weeks. Please let me know if you have any questions. We appreciate your time and effort for this review. Ann

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Ann Chrisney Stine

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